

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**NEW YORK STATE RESTAURANT
ASSOCIATION,**

Plaintiff,

- against -

**NEW YORK CITY BOARD OF HEALTH,
NEW YORK CITY DEPARTMENT OF HEALTH
AND MENTAL HYGIENE, and Thomas R. Frieden,
In His Official Capacity as Commissioner
of the New York State Department of Health
and Mental Hygiene,**

Defendants.

No. 2007 Civ. _____

**DECLARATION OF
KATHLEEN LeCLAIR**

KATHLEEN LeCLAIR hereby declares under penalty of perjury as follows:

1. I am the Manager of Commercialization for Dunkin' Brands, Inc. ("Dunkin' Brands"). Prior to taking that position, I was Manager of Research and Development. Roles previously held within Research and Development included Technologist, Senior Technologist and Research and Development Manager. I have been with Dunkin' Brands for six years.
2. Dunkin' Brands has two major brands: Dunkin' Donuts and Baskin-Robbins.
3. My department participates in generating the nutrition information that we voluntarily make available to the public through our website about all of our menu items. Dunkin' Brands posts on its website an extensive list of nutrients for each menu item, including calories, calories from fat, total fat, saturated fat, trans fat, cholesterol, total carbohydrates, dietary fiber, sugar, protein, as well as the percentage daily values for vitamin A, vitamin C, calcium and iron. A copy of the list currently on the website is attached as Exhibit A. The list is very detailed and provides information for variations of each menu item, for example, tea with

sugar, tea with skim milk and sugar, tea with milk only. Dunkin' Brands website also provides consumers with a guide to the percentage daily values of each of seven main nutrients based on a 2000 calorie a day diet: calories, total fat, saturated fat, cholesterol, total carbohydrates and dietary fiber, to assist customers in understanding how the nutrient values of the foods they select fit within their overall daily diet.

4. Dunkin' Brands has created a Nutrition Advisory Board made up of company and outside participants with expertise in the fields of nutrition and medicine to, among other things, advise on menu design and effective methods of educating our consumers regarding nutrition.

5. Dunkin' Brands disagrees with the purpose of Regulation 81.50 which was recently enacted by the New York City Department of Health. The regulation requires companies to emphasize the calorie content of items on the menu boards to the exclusion of other nutrient information that Dunkin' Brands believes is important for customers to pay attention to. We are concerned that some customers may make their purchasing decision based solely on the caloric content of a menu item and not consider that the item may have protein and other nutrients that may contribute to achieving a balanced diet.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
and correct.

Executed on June 13, 2007


KATHLEEN LeCLAIR